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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,369	11/14/2003	Peter M. Beasley	NETW:1000	9152

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,369	BEASLEY	
	Examiner	Art Unit	
	Sam Rimell	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL
PRIMARY EXAMINER**

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2165

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (United States Pre-Grant Publication US 2004/0225676).

Claim 1: FIG. 10 illustrates a computer (102) and user interface (106) coupled to the computer. FIGS. 1A-1 through 1A-2 illustrate a data structure that forms the basis of a database (paragraph 0082 “Microsoft Access” is a database system). The database has a plurality of records (each block, such as 17, is a record). Each record has a unique identifier (such as “lighting” for record 17) and a plurality of data fields associated with that record. Each field represents assets or asset related information for a building. The data structure of FIGS. 1A-1 and 1A-2 are closed loop in the sense that they are linked together. They are hierarchical in the sense that they are organized with a main header (such as lighting 17) which are associated with subcategories. A computer program, such as that shown in FIGS. 2A through 9A utilizes the data structure.

Claim 2: The data fields shown in represent attributes of sub-elements, such as compressors and heat stages 23, 25 which are sub-elements of HVAC.

Claim 3: Each of the items in claim 3 are optionally recited (“or” at end of claim). The claim is thus limited to only one of the items. FIG. 1A-1 illustrates a data item for operating characteristics of a compressor (“full load amps”).

Claim 4: Each of the items of claim 4 are optionally recited (“or” at end of claim). The claim is thus limited to only one of the items. FIG. 1A-1 illustrates a data item for places (“location/zone/department”).

Claim 5: The place is a location (“location/zone/department”).

Claim 6: Each of the items of FIG. 6 are optionally recited (“or” at end of claim). The claim is thus limited to only one of items. FIG. 1A-2 illustrates a data structure for circuits (“circuits” 33).

Claims 7-9: The “contracts”, “documentation” and “financials” were optionally recited in claim 4. Since they are not recited as being a mandatory part of the invention, they are considered optional and are thus not attributed patentable weight.

Claim 10: Any of the information shown in FIGS. 1A-1 or 1A-2 is readable as life cycle information, since any of this information is pertinent during the life cycle of the equipment described.

Claim 11: Each of the business rules in claim 11 are optionally recited (“or” clause in claim). Johnson et al. discloses a business rule that dictates that the information in the data field is used for the business goal of energy management (paragraph 0032, lines 1-3).

Claim 12: See remarks for claim 1. Note that the database of records can be updated (Step 40 in FIG. 2; step 230 in FIG. 15; step 310 in FIG. 16).

Claim 13: FIG. 2 is directed to the collection of information and uploading of information to create the database.

Claim 14: Reference is made to FIGS. 1A-1 and 1A-2. The building in which the equipment is contained in the boundary of the infrastructure. Assets within the building include

Art Unit: 2165

lighting and HVAC. Items related to the assets include building controls and compressors. Each individual row in FIGS. 1A-1 and 1A-2 constitutes an attribute. The business rule is that the data pertains to building equipment and is arranged in the hierarchical form shown in FIGS. 1A-1 and 1A-2. The records are created (FIG. 2) and stored in a database (paragraph 0082 "Microsoft Access").

Claim 15: Blocks such as compressors 23 or heat stages 25 are sub-elements for the assets. The business rule is that the data pertains to building equipment and is arranged in hierarchical form.

Claim 16-17: FIG. 2A identifies a building manager (50) who would be a person who uses the assets along with information about the assets.

Claim 18: FIG. 9A illustrates a display report.

Claim 19: FIG. 21 illustrates a form that identifies a managing agency (a store, top left corner) and goals for the managing agency (identification and repair of leaks).

Claim 20: See remarks for claim 1. Note that reports can be generated, such as that shown in FIG. 9A. Data in the database can be updated (step 40 in FIG. 2; step 230 in FIG. 15; and step 310 in FIG. 16).

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2165